

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

M.W Dept., - Suits - Alienation / Sale of Wakf land Acs.35.20 cents belonging to Dargah Hazrath Ghalib Shaheed (Rh.), Vijayawada to M/s.Mohammadiya Co-op Building Society Limited, Vijayawada - Irregularities noticed - Enquiry Officer appointed - Initiation of disciplinary action - Orders - Issued.

MINORITIES WELFARE (IDM) DEPARTMENT

G.O.(Rt).No. 134

Dated:08-08-2013,
Read the following:-

- 1.G.O.(Ms.)No.773, Revenue (WAKF) Dept., dt: 04-05-1983
- 2.G.O.(Ms.)No.250, Revenue (WAKF) Dept., dt:08-03-1985
- 3.Order dt: 6-5-2008 of the Hon`ble Supreme Court of India in Civil Appeal Nos.3337-38 & 3339 of 2008.
4. G.O. (Rt.) No.219, M.W (W-I) Dept., dt:30-7-2012.
- 5.From the Executive Director, AP State Housing Corporation Lr.No.3/ED/Peshi/2012, dt1-9-2012.
6. Govt., Memo.No.8138/IDM/A1/2007, dt:29-11-2012.

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In the reference 1st read above, Government have accorded permission to Andhra Pradesh State Wakf Board to sell land to an extent of Ac.35.20 cents belonging to Dargah Hazrath Ghalib Shaheed in R.S No.63 of Bhavanipuam Village, Vijayawada Urban Mandal to M/s. Mohammadiya Cooperative Building Society, Vijayawada on payment of Rs.1,28,000/- per acre subject to the conditions as detailed therein.

2. In the reference 2nd read above, Government have granted exemption Under Section 20(1) (a) of the Urban Land (Ceiling and Regulations) Act, 1976 to the land admeasuring Ac.35.20 cents in R.S.No.63 held by the Andhra Pradesh State Wakf Board so as to enable the Board to transfer the land in favour of Mohammadiya Cooperative Building Society for allotment of house plots not exceeding 300 Sq. meters each to its members subject to the conditions as stipulated therein.

3. M/s Lakshmi Srinivasa Co-operative Building Society Ltd., Vijayawada have filed O.S No.220/83 and Original Suit No.449/84 before the Additional Senior Civil Judge Vijayawada against the Jammat of Muzavars of Dargh and its Members and Mohammadia Co-operative Building Society for specific performance of the sale deed dated 02-08-1982 and the Hon'ble Court in its judgement dated 19-10-2005 observed that the plaintiff Lakshmi Srinivasa Co-operative Society is entitled for the relief of specific performance of agreement dated. 02-08-1982.

(P.T.O)

4. Aggrieved by the above orders the Mohammadia Co-operative Building Society, Andhra Pradesh State Wakf Board and Dargh Hazarath Galib Shaheed, (Rh) Vijayawada filed Appeal before the Hon'ble High Court of Andhra Pradesh in Suit Nos.686/05, 743/05 and 125/ 06 respectively and the Hon'ble High Court in its judgement dated 25-01-2007 dismissed the above Appeals.

5. The Mohammadia Co-operative Building Society then filed Civil Appeals Nos.3329/2008, 3337-38 and 3339 of 2008 in (SLP(C) 56026/2007,14626,14627 and 14168 of 2007) before the Hon'ble Supreme Court of India against the above orders of the Division Bench of the Andhra Pradesh High Court.

6. The Hon'ble Supreme Court of India in their orders 3rd read above, set aside the orders of the Additional Senior Civil Judge, Vijayawada dated 19-10-2005 in Original Suit No.220/83 and Original Suit No.449/84 and the Hon'ble High Court of A.P., and among other things advised the Government to cause an enquiry to be made into the entire affairs of the Andhra Pradesh Wakf Board and others concerned vis-a-vis the transactions carried out in the matter albeit, after giving an opportunity of hearing to the parties and to initiate appropriate proceedings and take such action or actions against all concerned including its own officers as also those of the Board and dargah as also the allottees in the event they are found guilty.

7. In pursuance of the orders of the Hon'ble Supreme Court of India in the reference 3rd read above, Government have appointed the Executive Director, Andhra Pradesh State Housing Corporation Limited as enquiry officer vide G.O.4th read above to conduct an enquiry into the allegations covering entire affairs of Wakf Board and others concerned vis-à-vis the transactions carried out on the alienation / sale of Wakf Land measuring Acs. 35.20 cents belonging to Dargah Hazrath Ghalib Shaheed (Rh), Vijayawada to M/s. Mohammadiya Co-operative Building Society Limited, Vijayawada.

8. The Enquiry Officer in the letter 5th read above submitted his Enquiry Report to the Government. In the Enquiry Report it is found that several irregularities took place both in alienation of the subject Land in favour of the M/s. Mohammadiya Co-operative Buildings Society Limited, Vijayawada and even in allotment of the plots by the said Society to its members after alienation in its favour, which appears to be in gross violation of the instructions issued by the Government in the references 1st and 2nd read above and also in contravention of provisions of Andhra Pradesh Co-operative Societies Act, 1964.

9. In the reference 6th read above, Government have called for the particulars of the members / employees / Society personnel / allottees (Plot holders) from the concerned Administrative Departments who are reportedly involved in the irregularities in alienation of the Wakf Land measuring Acs.35.20 cents belonging to Dargah Hazrath Ghalib Shaheed (Rh.), Vijayawada.

10. Government after careful examination of the matter in pursuance of the orders of the Honourable Supreme Court of India and the enquiry report submitted by the Enquiry Officer have decided :

- (i) To direct the Chief Executive Officer, A.P. State Wakf Board, Hyderabad to identify the persons responsible during the period of transaction carried out for allotment of wakf land to M/s Mohammadiya Co-operative Building Society and Dargah people under their control and initiate appropriate proceedings and take such action or actions against all the concerned for the irregularities committed by them.
- (ii) To address the Agriculture & Co-operative Department to initiate appropriate proceedings and take action against M/s Mohammadiya Co-op Building Society for having committed several irregularities which includes violation of Andhra Pradesh Co-op. Societies Act and Rules made there under and infringement of Bye Laws and instructions issued by Government from time to time in connection with allotment of Plots.
- (iii) To address Revenue Department to initiate appropriate proceedings and take action against the persons responsible during the period of transaction carried out for allotment of wakf land to M/s Mohammadiya Co-op Building Society ; and
- (iv) While communicating the list of all Plot holders (both found guilty and not found guilty), the District Collector, Krishna may be requested to issue notices to all the guilty Plot holders for cancellation of the said Plot allotments by giving them one month notice to submit their explanations, if any and obtain the explanations and submit a detailed report with his specific remarks thereon to the Government for further action in the matter. He shall also submit his specific remarks in respect of those Plot holders who are not found guilty so as to do justice to them.

(Contd...4)

11. The Chief Executive Officer, Andhra Pradesh State Wakf Board, Hyderabad, the Agriculture and Co-operative Department, the Revenue Department and the District Collector, Krishna is requested to take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AHMAD NADEEM,
SECRETARY TO GOVERNMENT.

To

The Chief Executive Office, A.P. State Wakf Board, Hyderabad.
The Agriculture and Co-operative Department
The Revenue (OP/Registration-II/ULC) Department.
The Collector and District Magistrate, Krishan at
Machilipatnam (w.e)

Copy to:

The Chief Commissioner of Land Administration, A.P., Hyderabad.
The Law (J) Department.
The Commissioner, Municipal Corporation of Vijayawada,
Jawaharlal Nehru Building, Vijayawada – 520 001,
Krishna District.
The District Registrar, Registration Department, Vijayawada.
The President, M/s.Mohammadiya Co-op., Building Society Ltd.,
Shah Zahoor Musafir Khana, Near Railway Station,
Vijayawada – 520 001.
The President, Mohammadiya Co-operative Building So.,
Layout Residents Welfare Association, Plot No.123,
M.C.B.S.Layout, Bhavanipuram, Vijayawada – 520 012.
The Government Pleader for Social Welfare, High Court of A.P.,
(with reference to W.P.No.18873 of 2011 filed before
Hon` ble High Court.)
Smt. Addepalli Lakshmi Venkata Durga Annapurna,
W/o. Addepalli Srivasa Rao, Vijayawada.

//FORWARDED : : BY ORDER//

SECTION OFFICER

